



Crl.R.C(MD)Nos.842 & 869 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2026

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

CRL.R.C.(MD)Nos.842 & 869 of 2023

N.Subramanian

.. Petitioner in both cases

vs.

S.Ashokan

.. Respondent in both cases

PRAYER in CrL.RC(MD).No.842 of 2023: Criminal Revision case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records of the impugned judgment dated 02.08.2022 in CrL.A.No.73 of 2021 by the learned II Additional District and Sessions Court, Thanjavur confirming the conviction and sentence passed by the learned Judicial Magistrate Court (Fast Track Court), Thanjavur in S.T.C.No.102 of 2015 dated 22.09.2021 and set aside the same by allowing the Revision case.

PRAYER in CrL.RC(MD).No.869 of 2023: Criminal Revision case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records of the Impugned Judgment dated 02.08.2022 in C.A.No.74 of 2021 by the Learned II Additional District and Sessions Court, Thanjavur, confirming the conviction and sentence passed by the Learned Judicial Magistrate Court (Fast Track Court), Thanjavur in S.T.C.No.101 of 2015 dated 22.09.2021 and set aside the same by allowing the Revision Case.



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(In both cases)

For Petitioner : Mr.Gokul Abimanyu

For Respondent : M/s.Seeni Syed Amma

COMMON ORDER

Heard Mr.Gokul Abimanyu, learned Counsel for petitioner and M/s.Seeni Syed Amma, learned Counsel for Respondent.

2. Criminal Revision cases have been filed to set aside the judgments dated 02.08.2022 made in Crl.A.Nos.73 & 74 of 2021 on the file of II Additional District & Sessions Judge, Thanjavur, confirming the judgments passed by Judicial Magistrate Court (Fast Track Court), Thanjavur in S.T.C.Nos.101 & 102 of 2015 vide order dated 22.09.2021.

3. Respondent/complainant herein filed complaints as against petitioner, alleging that petitioner herein committed an offence under Section 138 of Negotiable Instruments Act (herein after referred to as “NI Act”) and the same was taken on file by Judicial Magistrate Court, Fast Track Court, Thanjavur in S.T.C.Nos.101 & 102 of 2015, in which, petitioner herein is the sole accused. Both trial Court and first appellate



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Court concurrently held that petitioner was guilty of offence under Section 138 of NI Act, convicted and sentenced him to undergo six months simple imprisonment and also pay compensation of Rs. 24,00,000/- and Rs.10,00,000/-respectively to Respondent, in both cases, within a period of two months, in default, to undergo further one month Simple Imprisonment. Aggrieved, petitioner/accused filed the present Criminal Revision Cases.

4. Today, when these Criminal Revision Cases were taken up for hearing, it is informed by learned counsel appearing for petitioner as well as respondent that during the pendency of these Criminal Revision cases, the matters were referred to mediation. Accordingly, both the parties appeared before Mediation and Conciliation Centre and they resolved/decided to settle their disputes. They filed a copy of settlement agreement dated 27.01.2026 stating that dispute under Section 138 of NI Act is amicably settled out of Court and prayed to compound the offence. Further, respondent also agreed to withdraw the cases as against petitioner.



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5. Section 147 of the Negotiable Instruments Act, 1881 reads as follows:-

*“147. Offences to be compoundable.—
Notwithstanding anything contained in the Code of
Criminal Procedure, 1973 (2 of 1974), every offence
punishable under this Act shall be compoundable].”*

In view of the aforesaid provision, offence under Section 138 of the Negotiable Instruments Act becomes compoundable at any stage of the case.

6. The Hon'ble Apex Court had formulated guidelines for compounding the offence under section 138 N.I. Act in the following cases:

(i) Damodar S.Prabhu vs. Sayed Babalal H reported in 2010 (2) SCC (Cri) 1328,

(ii) M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta reported in 2017 (7) Supreme 558 and

(iii) Virender Singh Donowal vs. Manju Aggarwal in Criminal Appeal No.5060 of 2025, dated 18.11.2025.



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7. In view of the above, the offence committed by petitioner/accused under Section 138 of NI Act, stands compounded under Section 147 of the Act. Contents of the Settlement Agreement/Memo dated 27.01.2026 were read out to both parties, and the same were agreed to by either side. Accordingly, this Court is inclined to pass the following orders :-

(i) The judgment of conviction and sentence passed by Judicial Magistrate Court (Fast Track Court), Thanjavur in S.T.C.No.102 of 2015 dated 22.09.2021 is set aside and Petitioner/Accused is acquitted of the charge under Section 138 of NI Act.

(ii) The judgment of conviction and sentence passed by Judicial Magistrate Court (Fast Track Court), Thanjavur in S.T.C.No.101 of 2015 dated 22.09.2021 is set aside and Petitioner/Accused is acquitted of the charge under Section 138 of NI Act.

(iii) The Settlement Agreement/Memo dated 27.01.2026 shall form part and parcel of this Order.



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WEB COPY 8. With the above directions, these Criminal Revision cases are
disposed of.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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29.01.2026

To:

1.The II Additional District & Sessions Judge,
Thanjavur.

2.The Judicial Magistrate Court, Fast Track Court,
Thanjavur.



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MOHAMMED SHAFFIQ, J.

gvn

Common order made in
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29.01.2026